

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

June 28, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Blease, Associate Justice; Robie, Associate Justice; Cantil-Sakauye, Associate Justice; and Horner, bailiff.

C061019 WORLDMARK, THE CLUB v. WYNDHAM RESORT DEVELOPMENT CORPORATION et al.; WIXON et al.; MILLER

Cause called. Lisa I. Carteen argued for appellant Worldmark, The Club. Todd E. Lundell argued for appellants Wyndham Resort Development Corporation et al.. Jonathan K. Levine argued and Robin D. Miller appeared in pro. per. only for interveners and Respondents. Cause submitted.

At 10:15 a.m., the court recessed. At 10:16 a.m., the court reconvened with Robie, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C059985 SNATCHKO v. WESTFIELD LLC, et al.

Cause called. Timothy M. Smith argued for appellant. Timothy J. Leanse argued for and Stephen E. Norris appeared only for respondent. Cause submitted.

At 10:47 a.m., the court recessed. At 10:50 a.m., the court reconvened with Nicholson, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C060689 MESBAH et al. v. FALLAHI

Cause called. William A. Clough argued for appellant. Ognian A. Gavrilov argued for respondent. Cause submitted.

At 11:15 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

C059758 NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT v. HOWARD JARVIS TAXPAYERS ASSOCIATION et al.

Cause called. Timothy A. Bittle argued and Cindy Perez appeared only for appellant. Jennifer L. Spaletta argued and Karna E. Harrigfeld and Natalie M. Weber appeared only for respondent. Cause submitted.

At 2:38 p.m., the court recessed. At 2:40 p.m., the court reconvened with Scotland, Presiding Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

June 29, 2010

- C060005 THE PEOPLE v. (Not For Publication)**
D'ARSEY LAWRENCE BOLTON
Defendant's conviction on possession of a sharp instrument while in prison (§ 4502, subd. (a)) is affirmed. ... In all other aspects, the judgment is affirmed.
BUTZ, J.
We Concur: Hull, Acting P.J.
Robie, J.
- C060490 THE PEOPLE v. (Certified For Publication)**
NICHOLAS JASON BEAVER
The conviction for grand theft and the true finding on the associated enhancement are reversed.
HULL, J.
We Concur: Sims, Acting P.J.
Raye, J.
- C061174 THE PEOPLE v. (Not For Publication)**
PETER LEE GALLOWAY
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.
- C061537 THE PEOPLE v. (Not For Publication)**
PETER HOLDEN CLARK
The judgment is modified to award defendant 50 days of conduct credit, for a total of 101 days of presentence credit. As so modified, the judgment is affirmed.
The trial court is directed to prepare an amended abstract of judgment listing a fine for count 2 composed of a \$50 alcohol abuse education penalty assessment, a \$390 base fine, a \$390 state penalty assessment, a \$270 county penalty assessment, a \$195 state court construction penalty, a \$78 DNA penalty assessment, a \$78 criminal surcharge, a \$20 court security fee, a \$30 criminal conviction assessment, and a \$10 DMV fee. The trial court shall forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Sims, Acting P.J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

June 29, 2010, Continued

- C063512 THE PEOPLE v. (Not For Publication)**
TERRANCE EUGENE JENKINS, SR.
The judgment is modified... As modified, the judgment is affirmed.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
 Raye, J.
- C059423 BLANKENSHIP, a Minor, etc. v. (Certified For Publication)**
ALLSTATE INSURANCE COMPANY
The judgment is affirmed. Costs on appeal are awarded to Allstate.
(Cal. Rules of Court, rule 8.278 (a).)
NICHOLSON, J.
We Concur: Scotland, P.J.
 Raye, J.
- C060685 AGHAZADEH et al. v. (Not For Publication)**
WILLIAMS LYONS AND ASSOCIATES,
INC., et al.
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
 Robie, J.
- C061399 In re E.R.; THE PEOPLE v. E.R. (Not For Publication)**
The judgment is modified...
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
 Raye, J.
- C061707 In re A.H.; SACRAMENTO COUNTY (Not For Publication)**
C063166 DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. C.M.
The jurisdictional findings and dispositional orders of the juvenile court
are affirmed.
BUTZ, J.
We Concur: Sims, Acting P.J.
 Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

June 29, 2010, Continued

- C060431 COLMAR PROPERTIES, LLC v. CITY OF STOCKTON et al.**
BY THE COURT:
Appellant's request to publish the opinion filed on June 2, 2010, is denied.
SIMS, Acting P.J.
- C060431 COLMAR PROPERTIES, LLC v. CITY OF STOCKTON et al.**
BY THE COURT:
Appellant's petition for rehearing is denied.
SIMS, Acting P.J.
- C064437 In re CONNIE ANN RODDEN (Certified For Publication)**
on Habeas Corpus.
The petition for a writ of habeas corpus is granted. ... This decision
shall be final as to this court immediately. (Cal. Rules of Court, rule 8.387 (b) (3)
(A).) The clerk shall lodge a copy of this opinion in case number C062053.
SIMS, J.
We Concur: Scotland, P.J.
Butz, J.

June 30, 2010

- C059203 THE PEOPLE v. (Not For Publication)**
ROBERT ANDREW CARLOS
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C061207 THE PEOPLE v. (Not For Publication)**
MICHAEL JAMES RODRIGUEZ
The judgment is affirmed. ...
HULL, J.
We Concur: Raye, Acting P.J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

June 30, 2010, Continued

- C059604** **In re C.P. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. S.B.** **(Not For Publication)**
The juvenile court's order terminating reunification services is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
 Robie, J.
- C062289** **GUARDIANSHIP of D.V. et al.; RODRIGUEZ v. LOPES** **(Not For Publication)**
The order is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
 Butz, J.
- C063606** **In re A.B. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. W.M.** **(Not For Publication)**
The juvenile court's findings and orders are affirmed as to both minors.
BUTZ, J.
We Concur: Sims, Acting P.J.
 Robie, J.
- C061943** **ROGERS v. BELL HELICOPTER** **(Certified For Publication)**
THE COURT:
The opinion of this court filed June 4, 2010, in the above entitled case is modified...
The petition for rehearing is denied. This modification does not affect the judgment.
BY THE COURT:
 BLEASE, Acting P.J.
 Robie, J.
 Cantil-Sakauye, J.
- C061150** **AMERICAN NURSES ASSOCIATION et al. v. JACK O'CONNELL; AMERICAN DIABETES ASSOCIATION**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

July 1, 2010

- C058912 THE PEOPLE v. (Not For Publication)**
TREVOR ALLEN PAULUS
Defendant's count 1 conviction is reversed. The trial court is directed to enter dismissal of count 1 and to resentence defendant on count 2. In all other respects, the judgment is affirmed.
SIMS, J.
I concur: Blease, Acting P.J.
I concur in the majority opinion insofar as I affirm defendant's convictions on counts 2 and 3. In all other respects, I respectfully dissent. ...
Nicholson, J.
- C056395 GHANDOUR v. TAHOE SANDS (Not For Publication)**
TIME SHARE OWNERS ASSOCIATION
The judgment is affirmed. The order denying Ghandour's motion for attorney fees is reversed. Ghandour shall recover her costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1) & (2).)
SIMS, Acting P.J.
We Concur: Nicholson, J.
Butz, J.
- C060196 ORANEN v. PRICE (Not For Publication)**
The judgment of dismissal is reversed. The matter is remanded to the trial court for entry of a new order overruling defendant's demurrers to the fourth amended complaint. Plaintiff is awarded his costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1).)
HULL, J.
We Concur: Sims, Acting P.J.
Raye, J.
- C062466 In re TIMOTHY ROSS on Habeas Corpus. (Certified For Publication)**
THE COURT:
The opinion of this court filed in this case on June 11, 2010, in the above be modified...
There is no change in the judgment.
The petition for rehearing is denied.
FOR THE COURT:
SCOTLAND, P.J.
Nicholson, J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

July 2, 2010

- C060599 THE PEOPLE v. STEVEN DURAN (Not For Publication)**
The probation report fee is stricken. In all other respects, the judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
 Robie, J.
- C061419 THE PEOPLE v. (Not For Publication)**
KENNETH EUGENE ALSPAUGH
The matter is remanded to the trial court for further proceedings on the factual predicate for the order entered pursuant to Penal Code section 1202.1.
...
ROBIE, J.
We Concur: Scotland, P.J.
 Nicholson, J.
- C063293 THE PEOPLE v. (Not For Publication)**
GUILLERMO A. QUINTANILLA, JR.
The judgment is affirmed.
ROBIE, J.
We Concur: Hull, Acting P.J.
 Butz, J.
- C064070 THE PEOPLE v. (Not For Publication)**
ROBERT EUGENE MARTIN
The judgment is modified, dismissing counts II and III and providing for 2 days of conduct credit for a total of 5 days of presentence custody credit. The trial court is directed to prepare an amended abstract of judgment to reflect two conduct days of presentence custody credit and to forward a certified copy of the same to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.
ROBIE, J.
We Concur: Hull, Acting P.J.
 Butz, J.
- C064199 THE PEOPLE v. (Not For Publication)**
RAYMOND HAROLD BUTTE
The trial court's order after judgment is affirmed.
ROBIE, J.
We Concur: Hull, Acting P.J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

July 2, 2010, Continued

C061947 DAVID A. GILB, as Director, etc., et al. v. (Certified For Publication)
JOHN CHIANG, as Controller, etc., et al.;
SERVICE EMPLOYEES INTERNATIONAL
UNION, etc., et al.

The judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(5).)

SIMS, J.

We Concur: Scotland, P.J.

Raye, J.

C064324 C.S. et al. v. THE SUPERIOR COURT (Not For Publication)
OF BUTTE COUNTY; BUTTE COUNTY
DEPARTMENT OF EMPLOYMENT AND
SOCIAL SERVICES et al.

The petition for extraordinary writ is granted in part and denied in part.

... The stay previously granted is hereby vacated.

BLEASE, Acting P.J.

We Concur: Nicholson, J.

Butz, J.